

**Town of Foxborough
Conservation Commission Minutes
June 6, 2011**

Members present: Robert Boette, (Chair), Allan Curtis (Vice Chair), Judith Johnson and Valerie Marshall
Absent: Doug Davis, Eric Nelson (Clerk), James Marsh
Also present: Jane Sears Pierce, Conservation Manager, and Judy Leahy, Secretary

Meeting Opened

Bob Boette opened the meeting, held in the Town Hall's Andrew A. Gala Jr. Meeting Room, at 7:00 p.m.

Public Comment - Proposed Eagle Scout Project

Nicholas Kallanan, Boy Scout Troop 7, attended the meeting to discuss his proposed Eagle Scout project, a nature trail cleanup at the Burrell School. He explained that since the trail hadn't been used, the paths were overgrown and deer ticks were a problem. He told the Commission that he needed their written approval for the project before he could get approval from the Boy Scouts.

The Commission thought Nicholas' project was a great idea and happily gave their approval for the project. Jane was asked to draft an approval letter to Nicholas.

Beaumont's Pond, NOI, Beaumont Homeowners Association

Bob opened the hearing by reading the legal notice, as posted in the Foxboro Reporter. The Applicant's representatives, Will Stevenson and Joy Lipton of Lycott Environmental, were present to review Beaumont's Pond Homeowners' Association proposed project. Joy Lipton explained that the proposed integrated management plan for Beaumont's Pond (30 acres in size) included herbicide treatments and drawdowns to control Variable Milfoil and curly leaf pondweed (a native species), stating that there was approximately 10 acres of invasive species.

Bob asked about the safety of using herbicides, since a municipal well in Mansfield was only ¼ mile downstream. Will explained that low doses of herbicides are used to treat milfoil early in the season.

Bob noted that the Aquatic Vegetation Survey indicated that all of the invasive (and other) aquatics were located in shallow areas (on the Bathymetric Map) that should be treatable by a simple drawdown. Most of the aquatic invasives are located at the pond's inlet and in one cove, adjacent to a home with a large lawn, stating that it would appear that a lake drawdown of two feet would freeze 90% of the invasive species. His preference would be to try a drawdown to control the invasive species. Will opined that the outcome is uncertain with drawdown methodology.

Val asked how long herbicides would stay in the aquatic system. Will responded that they post water use restrictions, further out for watering lawns and plants, but there would be a one day restriction for fishing, boating and swimming.

Jane stated that it is important to consider what the MACC Handbook has to say about herbicide treatment on lakes and ponds:

“Approvals for herbicide management [for lakes and ponds] are generally justified under 310 CMR 10.53(4), the general exception for projects that ‘improve the natural capacity of a resource area to protect the interests identified in G.L. Ch. 131 S 40.’ [] Control of nuisance vegetation for recreational purposes, however, is not an interest named in the Act.”

Val asked why the herbicides were being proposed; to improve the resource area, or for recreational or aesthetic purposes? Will responded that it was to eradicate invasive aquatic plants.

Val stated that the Canoe River's ACEC includes additional environmental protection requirements. Joy indicated that she had spoken to the NHESP and the DEP's SE representative and both said to operate under the GEIR guidelines.

Judi asked whether the Beaumont Pond Association had a pond management plan. Mike Hasman responded that they have bylaws, but nothing specific about pond management. Judi asked whether residents maintained a natural vegetation buffer, per the 25 foot no disturb zone requirement. She explained lake management has to go hand in hand with any other types of preventive treatments. She recommended that a drawdown be tried first, to see how that works before using chemical treatments. Will stated that a drawn can be a very effective tool.

Val added that a lake management plan should be prepared, including homeowner education about phosphorous and storm water runoff's negative effects, causing algal blooms and aquatic weeds.

Jane recommended a first step of educating homeowners about (1) the negative effects of fertilizers, (2) brought in sand's negative effect on water quality (due to nutrient input), and (3) the Bylaw's 25 foot no disturb zone (vegetated buffer) requirement, which is a minimum width to maintain clean water quality by filtering stormwater's nutrients (fertilizers, etc.) that cause water weeds to grow. She asked the applicant to revise the NOI filing to include the town bylaw. The hearing was continued to June 20.

204 East Street, Barbato Property

Bill Buckley of Bay Colony came to the meeting for an informal discussion about the project that would soon be proposed for 204 East Street. He reviewed the results of discussions with the Planning Board in April and May. They had presented some drawings of a conventional subdivision plan vs. two separate open space designs. Since the Planning Board has an 800 foot dead end road rule, they asked Bill to do two things. First, lessen the density (original design was for 13 lots, with two existing houses), and second, get the Commission's input.

Judi asked how the Planning Board could justify granting an extension of 800 foot dead end rule, something they had only done twice in 20 years. Bill responded that what makes this site unique is that there are 17 acres, most of which was dry and buildable, but the property has poor access because of wetlands along the road frontage. His argument for granting the 800 foot rule would be that something will happen, so do we want to make it the least intrusive while still being acceptable, or just try to max out the site.

Bill stated that under the Open Space Residential Development bylaw, 53% would be dedicated open space, but you have to prove that each lot is buildable.

Bob asked how the Hunt would get to their house. Bill responded that during construction, when the road is privately owned, the Planning Board would want a written legal document granting the Hunts the private access and also make sure that the roadway touched the Hunt's property.

Judi asked what the frontage requirement would be for a road like this. Bill responded that, typically, a radius of 35 to 92 feet. He said that they were really giving up two lot, but every lot had to perc and also meet all the required setbacks.

Sallie Property Project, Garden Club

Bob stated that he and Jane had attended the Garden Club's dedication earlier in the day. They would like the Commission to purchase a bench with the Bill Hocking Memorial Account for this site. Bob will get some quotes on benches for the memorial for Bill.

Meeting Adjourned

Motion was made by Valerie Marshall to adjourn; seconded by Judi Johnson. **Vote: 4-0-0**

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes taken by Judy Leahy

Reviewed by Jane Pierce: 12/17/14

Approved by Commission: 12/29/14

List of Documents, Reviewed during Meeting

1. For the wetland applications reviewed above, please see the Commission's files.
2. Conservation Manager's Report, 6/6/11